25 July 2000

Chief of Defence Force
Headquarters
New Zealand Defence Force

For Attention: Assistant Chief (Personnel)

WAR PENSIONS COVER: RNZN PERSONNEL MURUROA

1. On 24 July 2000, I attended a meeting between the Minister of Veterans' Affairs, Hon Mark Burton, and Mr Trevor Humphries, President of RIMPAC Association of NZ Inc.

2. At the meeting Mr Humphries outlined his request that full emergency cover under Section 80A of the War Pensions Act 1954 be afforded RNZN personnel who served on board HMNZS OTAGO and CANTERBURY during the monitoring of the French nuclear test at Mururoa in 1973. The Minister undertook to investigate the issue (implicitly through the Office of Veterans' Affairs) and to report back to Mr Humphries on the outcome of his initial inquiries within two weeks.

3. It is acknowledged that there is an agreed consultative process that must be adhered to in order to arrive at a ministerial declaration of emergency cover for War Pensions purposes. Equally, it is accepted that, historically, HQ NZDF has held the lead in such processes and that there are a number of UN operations for which war pensions cover has yet to be granted. To that end, it is requested that the Mururoa tests be included as part of the consideration of those other retrospective operations.

4. Subject to your concurrence, I will advise the Minister so as to enable him to fulfill his reporting obligation to RIMPAC. Meantime, you may care to note that the NZ Nuclear Test Veterans' Association is currently undertaking research on the Mururoa deployment preparatory to making a similar submission to the Minister.

JESSIE GUNN
Director
Office of Veterans' Affairs

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Veterans' Affairs New Zealand
Te Tira Ahu Ika A Whiro

In reply please quote:
OPR 1

5 June 2002

Minister of Veterans' Affairs

EXTENSION OF WAR PENSIONS COVERAGE

Proposal

1. It is proposed that full war pension coverage be extended to cover members of the New Zealand Armed Forces who served as part of a number of United Nations peacekeeping operations prior to 1 April 1974; members of the New Zealand Armed Forces onboard HMNZS Otago and Canterbury who observed French nuclear tests on Mururoa Atoll on 22 and 28 July 1973; and New Zealand Defence Force personnel deployed as part of Operation Kiwi Stand (Operation Enduring Freedom) from 27 January 2002.

2. It is also proposed to amend and reissue the declarations of service for war pensions coverage for the Malayan Emergency between 1948 and 1960, service on the Thai/ Malay border between 1960 and 1964 and the Indonesian Confrontation between 1962 – 1966 so as to remove references to the terms 'active combatant role' and 'good frontline service.

Background

3. Presently all service personnel who served in the New Zealand Armed Forces prior to the introduction of Accident Compensation on 1 April 1974, are covered by the War Pensions Act 1954, for disabilities directly attributable to or aggravated by their service. This war pensions coverage is for routine service and differs from the coverage extended to ex-service personnel who had served in a recognised war or emergency. Personnel who served in a recognised war or emergency are afforded the benefit of the doubt as to the attributability of their disability to their service. Those with routine service must prove that that their disability is directly attributable to their service.

4. There are a number of operational deployments that took place prior to 1 April 1974 that are not recognised as emergencies under the War Pensions Act 1954. These deployments are primarily peacekeeping missions,

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equivalent to recent peacekeeping missions such as the Bosnia and East Timor deployments, which have full war pensions coverage.

Extended War Pensions Coverage

5. Under section 80a of the War Pensions Act 1954 the Minister of Veterans' Affairs New Zealand is responsible for specifying service in connection with a war or emergency for the purpose of the provisions of the War Pensions Act 1954.

6. Your approval is sought to declare those pre - 1 April 1974 deployments as emergencies for the purpose of extending full war pensions coverage under the War Pensions Act 1954.

Korea

7. New Zealand personnel were deployed to Korea from 1950 to 1957 to assist the Republic of Korea after its invasion by the Democratic People's Republic of Korea. Full war pensions coverage is already extended to personnel who served in the Korean War between 23 August 1950 to 27 July 1953. However, personnel who served as part of the United Nations peacekeeping mission in Korea, supervising the implementation of the armistice agreement from 28 July 1953 to 27 July 1957, are deemed to have routine service rather than emergency service.

8. It is proposed to extend the dates for full war pensions coverage for service in Korea to include service from 28 July 1953 to 27 July 1957. The dates for war pensions coverage of service in Korea would then be 23 August 1950 to 27 July 1957.

9. Of the 4700 New Zealand personnel who served in Korea between 1950 and 1957, it is estimated that 1,175 served there between 28 July 1953 and 27 July 1957. Last year the dates for eligibility for burial in a Services cemeteries were extended to include ex-service personnel who served in Korea between 28 July 1953 and 27 July 1957. The extension of full war pensions coverage to this group would be a step towards synchronising eligibility criteria for full war pensions coverage and burial in Services cemeteries.

United Nations Military Observer Group in India and Pakistan

10. New Zealand deployed military observers to India and Pakistan from 1952 to 1976. Personnel served as part of the United Nations Military Observer Group in India and Pakistan monitoring the truce arrangements on the Kashmir border/ cease fire line between India and Pakistan.

11. In 1965 the United Nations Security Council established the United Nations India-Pakistan Observation Mission (UNIPOM) which was charged with monitoring the international border between India and Pakistan. Additional

personnel were deployed for this mission. New Zealand Defence Force archives indicate that the military observers were deployed under the auspices of UNMOGIP, but served with UNIPOM.

12. Between January 1952 and 31 March 1974 approximately 69 people were deployed as part of UNMOGIP. Many were territorial force officers who were given short term regular force engagements for the duration of their service with UNMOGIP.

United Nations Truce Supervision Organisation

13. The United Nations Truce Supervision Organisation (UNTSO) was charged with monitoring the general armistice between Israel, Egypt, Jordan, Syria and Lebanon after the Arab-Israeli War. New Zealand first deployed military observers to the area in July 1954.

14. Many of the officers initially deployed to UNTSO were territorial force soldiers given short term regular force engagements for the duration of their service with UNTSO. It is estimated that 58 personnel were deployed with UNTSO between July 1954 and 31 March 1974.

15. Of the personnel who served with UNTSO, several were seconded to serve with either the United Nations Yemen Observer Mission (UNYOM) 1963-64, and the United Nations Observation Group in Lebanon (UNOGIL) 1958. New Zealand military observers also served with the United Nations Operation in the Congo (ONUC) 1960-1964, at least one of whom was seconded from UNTSO. All of these missions are considered to be detachments from UNTSO.

French Nuclear Testing at Mururoa Atoll

16. In 1973 the government sent the frigates HMNZS OTAGO and CANTERBURY to demonstrate its opposition to the French nuclear tests that were being performed on Mururoa Atoll in the South Pacific. The number of personnel on board both ships is estimated at 520. All members of the New Zealand Armed Forces onboard have war pensions coverage for routine service only.

17. The frigate HMNZS OTAGO observed the test on 22 July 1973 and HMNZS CANTERBURY was present at the test on 28 July 1973.

Operation Enduring Freedom – Operation Kiwi Stand

18. On 29 October 2001 Cabinet agreed the need for full war pensions coverage for the New Zealand Defence Force personnel deployed as part of the various phases of Operation Enduring Freedom, the international effort to combat terrorism. At the same time, Cabinet authorised the Minister of Veterans' Affairs to approve full war pensions cover, under section 80A of the War Pensions Act 1954, for New Zealand Defence Force personnel

deployed as part of the various phases of Operation Enduring Freedom, consistent with coverage of other operations [Cab Min (01) 33/13].

19. It is proposed that eligibility for full war pensions coverage, under section 80a and 55 of the War Pensions Act 1954, be extended, as part of Operation Enduring Freedom, to include New Zealand Defence Force and civilian personnel deployed on Active Service outside of the territory of New Zealand as part of Operation Kiwi Stand from 27 January 2002.

Service in Malaya between 1948 and 1966

20. On 14 June 1999 Cabinet approved full war pensions coverage for personnel who served in the Malayan Emergency between 1948 and 1960, on the Thai/ Malay border between 1960 and 1964 and the Indonesian Confrontation between 1962 – 1966. The Cabinet Minute was so worded that only those who served in an active combat role, or who undertook 'good frontline service' should be eligible for full war pensions coverage [Cab Min (99) M 15/13].

21. The declaration of service defining service in Malaya/ Thailand/ Indonesia between 1948 and 1966 as an emergency under the War Pensions Act 1954 also refers expressly to the terms 'good frontline service' and 'active combat role'.

22. Given that Cabinet agreed to provide full war pensions coverage to those who had 'good frontline service' only, there is ongoing contention over the extent of this coverage. More specifically, the inference that those who were not employed in the combat trades but in support of frontline troops, should not receive full war pensions coverage, cannot be sustained. Those employed in support of frontline troops, such as stretcher bearers, drivers and ammunition technicians, were exposed to levels of danger, similar to frontline troops, that warrant full war pensions coverage. Furthermore, the use of the term "active combatant role" is misleading. The New Zealand Defence Force has never employed this term per se and it is also of note that several peacekeeping deployments since that time have been extended full war pensions coverage.

23. It is proposed that the previous declaration of service defining service in Malaya/ Thailand/ Indonesia between 1948 and 1966 as an emergency under the War Pensions Act 1954 be reissued omitting the terms 'active combatant role' and 'good frontline service'.

Financial Implications

24. The financial implications of this proposal are impossible to identify. The Ministry of Social Development, which maintains all war pension data, is unable to identify the number of people on a War Disablement Pension for routine service who may also have served with any of these operations. It is almost certain that a number of veterans who served with one of the missions, will already receive a War Disablement Pension.

25. Costings, therefore, have been based on the estimated up take rates for a similar conflict, namely the Korean War, which already has full war pensions coverage. As it is not possible to predict mortality rates, the up take calculations were based on the total number of personnel identified as having deployed with the various missions, rather than the number of surviving personnel.

26. While initial indications showed a maximum cost of $1.30 million per annum, this cost is more likely to be approximately $0.50 million per annum. This figure includes both the estimated cost of War Disablement Pension payments and the estimated cost of providing fully funded medical care for accepted disabilities. The estimated reduction of cost can be accounted for by the fact that many of the personnel deployed on these will already be in receipt of a War Disablement Pension if they have a service related disability.

27. The costs associated with this proposal can be absorbed into the Vote Veterans' Affairs – Work and Income baseline.

Publicity

28. It is proposed that you announce the extension of full war pensions coverage at the Royal New Zealand Returned Services' Association national conference on 10 June 2002.

Recommendations

29. It is recommended that you:

29.1. **Deem** that service in Korea between 23 August 1950 and 27 July 1957 be declared service in an emergency under section 80a of the War Pensions Act 1954 for the purpose of full war pensions coverage.

Approve/ Reject

29.2. **Agree** that service with the United Nations Military Observer Group in India and Pakistan (UNMOGIP) and United Nations India-Pakistan Observation Mission (UNIPOM) between January 1952 and 31 March 1974 be declared service in an emergency under section 80a of the War Pensions Act 1954 for the purpose of full war pensions coverage;

Agree/ Reject

29.3. **Agree** that service with United Nations Truce Supervision Organisation (UNTSO), and its detachments being the United Nations Yemen Observer Mission (UNYOM), the United Nations Observation Group in Lebanon (UNOGIL) or the United Nations Operation in the Congo (UNOC) between January 1952 and 31 March 1974 be

declared service in an emergency under section 80a of the War Pensions Act 1954 for the purpose of full war pensions coverage;

Agree/ Reject

29.4. **Deem** that service onboard HMNZS OTAGO and CANTERBURY during the French nuclear tests at Mururoa Atoll on 22 and 28 July 1973 be declared service in an emergency under section 80a of the War Pensions Act 1954 for the purpose of full war pensions coverage;

Approve/ Reject

29.5. **Agree** that service as part of Operation Kiwi Stand from 27 January 2002 be declared service in an emergency under sections 80a and 55 of the War Pensions Act 1954 for the purpose of full war pensions coverage;

Agree/ Reject

29.6. **Approve** the amendment and reissue of the declarations of service for the Malayan Emergency between 1948 and 1960, service on the Thai/ Malay border between 1960 and 1964 and the Indonesian Confrontation between 1962 – 1966 so as to remove references to the terms 'active combatant role' and 'good frontline service';

Approve/ Reject

29.7. **Note** that the extension of full war pensions coverage to the nominated missions has a maximum cost of $1.30 million, but this cost is more likely to be in the vicinity of $0.50 million;

29.8. **Note** that this cost can be absorbed within the Vote Veterans' Affairs – Work and Income baseline.

Jessie Gunn
Director

Hon Mark Burton
Minister of Veterans' Affairs